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**From:** Boydston, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DCF50BF734B64D33AE1C963B175A3487-BOYDSTON, MICHAEL]  
**Sent:** 11/16/2020 7:35:58 PM  
**To:** Kelly Yasaitis Fanizzo [kfanizzo@achp.gov]; Segarnick, Maxine [Maxine.Segarnick@nrc.gov]  
**CC:** Robinson, Valois [Robinson.Valois@epa.gov]  
**Subject:** RE: [External] RE: RE: [External] RE: Dewey-Burdock PA question  
**Attachments:** Prog Agreement Cover Letter.pdf; Programmatic Agreement - EPA Signature page (2).pdf

Hi Kelly and Maxine – The documents were finalized on Friday. Presumably you'll receive copies through the formal transmission to the addressees, but I wanted to be sure you got this. Thanks very much for your help.

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Michael Boydston  
Senior Assistant Regional Counsel  
EPA Region 8  
303.312.7103

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**From:** Boydston, Michael  
**Sent:** Thursday, November 12, 2020 8:04 AM  
**To:** Kelly Yasaitis Fanizzo <kfanizzo@achp.gov>; Segarnick, Maxine <Maxine.Segarnick@nrc.gov>  
**Subject:** RE: [External] RE: RE: [External] RE: Dewey-Burdock PA question

Thanks, Kelly, that makes sense to me. As to timing, we're preparing various documents but it will likely be a day or two before things are signed, so if you hear something different just let me know.

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Michael Boydston  
Senior Assistant Regional Counsel  
EPA Region 8  
303.312.7103

**Referred to Advisory Counsel for Historical Preservation (ACHP)**

## Referred to Advisory Counsel for Historical Preservation (ACHP)

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**From:** Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>  
**Sent:** Thursday, November 12, 2020 9:38 AM  
**To:** Segarnick, Maxine <[Maxine.Segarnick@nrc.gov](mailto:Maxine.Segarnick@nrc.gov)>; Kelly Yasaitis Fanizzo <[kfanizzo@achp.gov](mailto:kfanizzo@achp.gov)>  
**Subject:** [External] RE: RE: Re: [External] RE: Dewey-Burdock PA question

Thanks to you both. I am thinking to just go with a signed signature page patterned after the others, but without a label as to what kind of signatory we are. Seems like the signature can speak for itself, and I think we're on the same page as to what effect it will have. But if that raises any concerns please let me know.

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Michael Boydston  
Senior Assistant Regional Counsel  
EPA Region 8  
303.312.7103

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**From:** Segarnick, Maxine <[Maxine.Segarnick@nrc.gov](mailto:Maxine.Segarnick@nrc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:56 PM  
**To:** Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Kelly Yasaitis Fanizzo <[kfanizzo@achp.gov](mailto:kfanizzo@achp.gov)>  
**Subject:** RE: RE: Re: [External] RE: Dewey-Burdock PA question

Good question. I don't immediately know the answer; I'd have to look more closely at how the terms are used in the PA. It may come down to principles of contract drafting and interpretation.

Kelly, if you have insight, again, I defer.

**Maxine Segarnick**  
Attorney, Reactors & Materials Rulemaking Division  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
301-287-9117

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**From:** Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>  
**Sent:** Tuesday, November 10, 2020 4:52 PM  
**To:** Segarnick, Maxine <[Maxine.Segarnick@nrc.gov](mailto:Maxine.Segarnick@nrc.gov)>; Kelly Yasaitis Fanizzo <[kfanizzo@achp.gov](mailto:kfanizzo@achp.gov)>  
**Subject:** [External\_Sender] RE: Re: [External] RE: Dewey-Burdock PA question

Thanks to you both. Maxine, other than the areas where it specifically refers to “required signatories,” does an invited signatory participate fully as a signatory?

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Michael Boydston  
Senior Assistant Regional Counsel  
EPA Region 8  
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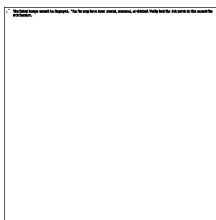
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**From:** Segarnick, Maxine <[Maxine.Segarnick@nrc.gov](mailto:Maxine.Segarnick@nrc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:46 PM  
**To:** Kelly Yasaitis Fanizzo <[kfanizzo@achp.gov](mailto:kfanizzo@achp.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>  
**Subject:** RE: Re: [External] RE: Dewey-Burdock PA question

BLM designated NRC as the lead agency by letter in 2011 (see attached). Copy of the PA attached for reference. From what I can tell, BLM is a full signatory, along with the SHPO and ACHP. Powertech is an invited signatory.

**Maxine Segarnick**  
Attorney, Reactors & Materials Rulemaking Division  
Office of the General Counsel  
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301-287-9117

**Referred to Advisory Counsel for Historical Preservation (ACHP)**



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<https://www.youtube.com/channel/UChReeJ63BktsEqSidL396Ng>

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**From:** Segarnick, Maxine <[Maxine.Segarnick@nrc.gov](mailto:Maxine.Segarnick@nrc.gov)>

**Sent:** Tuesday, November 10, 2020 4:36 PM

**To:** Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Kelly Yasaitis Fanizzo <[kfanizzo@achp.gov](mailto:kfanizzo@achp.gov)>

**Subject:** [External] RE: Dewey-Burdock PA question

I took a quick look at the definitions and guidance on the ACHP website ([https://www.achp.gov/executing\\_agreement\\_documents](https://www.achp.gov/executing_agreement_documents)). In relevant part, it says, "If the non-lead federal agency has specific duties in the MOA or PA, they should be an invited signatory to the agreement." So perhaps "invited signatory" is correct for the signature page?

I defer to Kelly. Either way, I think it's safe to say EPA would have the role of a signatory, "invited" or otherwise.

**Maxine Segarnick**

Attorney, Reactors & Materials Rulemaking Division

Office of the General Counsel

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**From:** Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>

**Sent:** Tuesday, November 10, 2020 4:13 PM

**To:** Kelly Yasaitis Fanizzo <[kfanizzo@achp.gov](mailto:kfanizzo@achp.gov)>; Segarnick, Maxine <[Maxine.Segarnick@nrc.gov](mailto:Maxine.Segarnick@nrc.gov)>

**Subject:** [External\_Sender] Dewey-Burdock PA question

Hi Kelly and Maxine –

Does either of you have an opinion as to whether, on our PA signature page, EPA should be described as an "invited signatory," or merely a "signatory," or something else? I think it's clear that we are not a "required" signatory, at least. Any thoughts appreciated.

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Michael Boydston

Senior Assistant Regional Counsel

EPA Region 8

303.312.7103